

September 14, 2004

Cedon Saintil Jr.
C.J. Creations Corporation
540 N.W. 120th Street
Miami, FL 33168

RE: REQUEST FOR ADVISORY OPINION 04-174

Dear Mr. Santil:

I received your request for an advisory opinion and I am issuing the opinion based on the facts stated in your letter. You requested an opinion as to whether C.J. Creations may become certified as a minority business enterprise and contract with Miami-Dade County to provide services.

In your letter, you advised me that you are currently a Correctional Officer with the Department of Corrections and Rehabilitation. C.J. Creations provides commercial cleaning services for commercial and residential clients.

The Conflict of Interest and Code of Ethics ordinance permits you to become certified as a minority business enterprise and to contract with all county departments and agencies except for the Department of Corrections and Rehabilitation. Section 2-11.1 (c) prohibits you from contracting with your department. Section 2-11.1 (c) provides that " Notwithstanding any provision to the contrary herein, subsection (c) and (d) shall not be construed to prevent any employee....from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her

immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County as long as 1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, 2) the employee has not participated in determining the subject contract awards or awarding the contract , and 3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including but not limited to its enforcement, oversight, administration, amendment, extension, termination or forbearance. Therefore, you may become certified and contract with all departments other than the Department of Corrections and Rehabilitation.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594.

Sincerely Yours,

ARDYTH WALKER
Staff General Counsel